

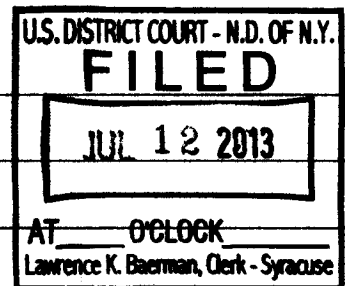
July 9, 2013

United States

v

Jenkins

Case 5:11-cr-00602-GTS

Defense Motion

Complaint of Judicial and Prosecutorial Misconduct - Defendant seeks and requests an independent review of the current case.

I Background

I rely on previous motions dated from April 15, 2013 to the current date. This case is based on an illegal seizure of evidence from a court case being tried currently in Brockville, Ontario, Canada. Due to a series of blunders by Ontario Provincial Police the trial was abandoned for due process violations and resulting unfair treatment in Canadian Court Proceedings.

The US government has interfered in this case from the start, though they will not admit it. As a result they have managed to illegally acquire the evidence which is foreign, from an active proceeding, and claim false jurisdiction over the happenings and events on foreign soil and rewritten them to fit their needs, years later.

The resulting actions and misconduct by police officers have been supported years later by the court and the government through some sort of blind eye syndrome combined with selective hearing. This sort of action against one of their own citizens is outrageous conduct and unconstitutional. As a result I have been detained with no possible release available. The court has sided completely with the government to suppress facts and discovery beneficial to

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the defense, so much so in fact that it constitutes an abuse of discretion and supervisory power at the very least and is well into the possibility of official misconduct.

I feel the court is totally committed to protecting the interests of the government and selected others at my personal expense. I have been blamed to date for all of the delays, though they are not my fault, all I have been trying to do is gather required materials for a proper defense and a fair trial if it really comes to be, as well as establish this case was jointly investigated and previously prosecuted.

The court seems determined to help the government, while pushing the defense, really just bullying, with a minimum of discovery material and preparation time. To date physical evidence is missing and not functional, complete computer analysis have not been provided as well as official paperwork to prove jurisdiction over proceedings. To date I have been arrested and detained on evidence illegally obtained and hearsay from a rogue detective and federal agent who conducted an unauthorized change of jurisdiction of evidence.

The court and government have wasted over six months by ignoring my requests for discovery and avoiding important issues, this can be observed by a review of correspondence including decisions and orders (#68 through 77)

II Judicial Misconduct

The court has sided with the government completely in this case to such an extreme measure it has compromised my ability to receive a fair trial.

This prejudicial conduct has forced the defense to submit motions under duress and without proper discovery and preparation time. After deciding to represent myself the court all of a sudden decided to expedite the matter (Dok #71), to bully and further side the prosecution.

this was immediately following a hearing for discovery in which missing information was discussed and prosecution admitted they, or, rather shagged shoulders when asked about the three quarters of physical evidence missing.

This caused the defense to file motions without proper discovery, inspections of physical evidence. (Duress) I was given two weeks to accomplish what previous council could not accomplish after eighteen months. Previous council was given an unlimited amount of time, accomplished nothing. The court was not concerned about speedy trials then, of course, because that was the objective all along, to basically waste time and not prepare a defense.

The court seems to have missed the point, or rather is ignoring it. I did not retain previous council because he was incompetent. His submissions were worthless. He did not do research, failed to obtain required materials. Now I know that is what the court was after all along.

The court has gone out of its way to push the case through without this disclosure, blatantly, braisly, to aide the prosecution by setting up some sort of ambush at trial. The idea seems to be to push this case to trial forcefully before defense can acquire materials to prove what a farse the whole proceeding is, and the fact I was falsely arrested. Previous council was incompetent and playing along. He did not speak or act on my behalf. He spoke for himself and the government. I will tolerate such prearranged ambushes at a trial. The government has no jurisdiction over the case or evidence.

The court and government were setting up some sort of prearranged puppet show, this conduct is outrageous. Recently the court and prosecution have schemed to ignore correspondence and/or purposely and ignorantly misconstrue dates and facts associated with my requests. This started in January 2013 and accelerated to an intolerable level in June 2013. A transcript will show on June¹³, 2013 a prearranged conspiracy to pull

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me into court unprepared for a bullying session, also to present a decision and order (doc no 77) which was some sort of spoof response to a document filed by myself on June 3 to 5, 2013 in coordination with (doc no 75) by the government. This is the sort of conduct that has wasted another six months and left me unprepared for trial.

This prompted at that point a letter by myself (or motion) on June 18, 2013 which led to decision or (doc no 89) for a review of a motions I had days to prepare without discovery, on/for submitted on June 13, 2013 under prejudice. The government was of course given 30 days to respond. It also stated I could not file additional motions, quoted a deadline of a year ago. Once again, previous councils blunders and incompetence, failure of government to discover proper material and evidence, ignoring and misconduct by all of the previous antics have led to this predicament.

I asked for a trial in March 2012, confirmed by my former attorneys paperwork. This has been delayed by incompetent council, prosecutorial misconduct, judicial misconduct for allowing this amateur puppet show to carry on, also a fishing expedition allowed by the court to help the prosecution bolster it's case and phoney charges. It is not my fault. I know exactly what they were looking for, and of course they didn't find it.

III Prosecutorial Misconduct

Government failed to disclose discovery in a timely manner. Proceedings were instituted with illegally acquired evidence, falsified later while withholding favorable evidence. This allowed them to falsely present previous occurrences and impair the release of myself from custody. They falsely presented a version of their own to obtain an indictment and search warrant.

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The government purposely concealed paperwork from Canadian Computer Examinations and forensic findings and well as border cross records and related items to justify illegally seizing property involved in a foreign proceeding. These items resulted in an illegal indictment and detainment of myself which the government and court have used to their advantage.

By concealing foreign acquired paperwork, which was illegally acquired and not through authorized officials, the government proceeded to rewrite and reinvent occurrences in a foreign matter and continued to overdramatize these events and manufacture false computer exams, witness statements and actual events that led up to a warrant for my arrest in Canada.

There has been an effort to conceal their interference in the matter from day one and joint investigations that resulted in illegally obtaining property after much scheming and conspiring with OPP Ontario Provincial Police.

To date the government has not acknowledged facts their paperwork proves such as they knew of (1) incomplete evidence being presented at the Canadian trial (2) they illegally obtained the evidence - according to Canadian law the seized property was to be returned to the owner upon completion of proceedings (3) Agents in the US physically interfered in my travel to and from Canadian court proceedings as documented (4) Canadian trial was pending - due process was not served (5) their own agents lost and damaged physical evidence during the illegal seizure.

Upon manufacturing their own phoney computer exams have failed to completely disclose Canadian Exams or their own to prevent defense from comparing results and to impair abilities of defendant to favorable evidence (acquiring of) to bolster their case and conceal allegations falsely made by themselves and DHS.

IV Summary

Being unfairly prejudiced to date by the government, previous defense attorney and by the reigning and presiding district judge's request on evidentiary hearing. I request that: (1) The hearing be conducted by a senior or Supervising judge not affiliated personally with the presiding judge or any other parties in the case (2) Evidence to date including recently acquired paperwork be admitted without prejudice due to all of the previously mentioned conflicts (3) My constitutional rights be respected (4) My detainment be reconsidered based on newly discovered information, information overlooked by previous council - without prejudice (5) Canadian circumstances be taken into consideration (6) issues ignored by the current party and previous parties be specifically addressed such as (a) Joint Investigations (b) obvious illegal acquisition of evidence without consent from myself (c) lost evidence (d) missing discovery information (e) inability of myself to obtain Canadian witnesses (f) false statements filed by DHS agents (g) Due process sanctions (h) conduct of parties previously mentioned (i) foul chain of custody and incidentally (j) completely different and seemingly falsified computer examinations by the government (7) Dismissal of indictment for all of the above (8) My right and need to file additional motions based on all of the above (9) All of the above be considered without prejudice, meaning my rights to remedies and (a) Negligence of previous attorneys (b) Being falsely charged and detained by the government for close to two years (c) being discriminated against by the court... etc. I'm asking for a fair unbiased ^{evaluation} ~~evaluation~~ of this case in relation to my constitutional rights.

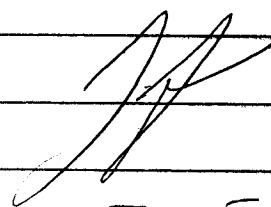
IV Conclusion

This case represents the demise of the constitution. It has now degraded to a level of foolish and amateur conduct by the government, that the court of course supports. The government couldn't bully the defendant into a plea bargain over a case and charges that doesn't concern them - so the court jumps in to lend life support and takes the bullying to a new level - when that doesn't work - they conspire to ignore, and bully to waste more time.

This is nothing but some sort of vigil ante attempt at what 'the system' considers law enforcement. The end justifies the means. Big government knows best. I warned you, that you would make fools of yourselves, the Jeff Preyer list.

I request a remedy to the current situation of bias behavior, bullying and ignoring. I have no respect for the current proceeding and individuals involved. I'm being held illegally, your foolish behavior and misconduct has ruined three peoples lives, justice won't be served until that is corrected.

I demand immediate release and an independent review of this case.

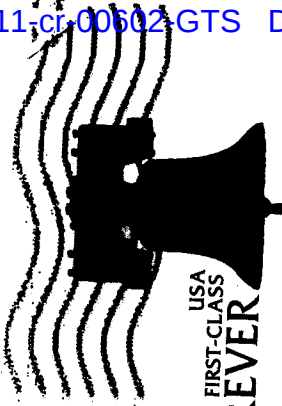


Joseph Jenkins

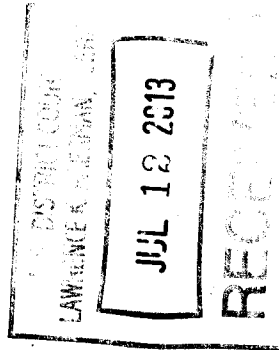
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